

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

JOSE LEONIDAS AVALOS

CRIMINAL COMPLAINT

Case Number:

08-MJ-214 JSM

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 21, 2007, in Anoka County, in the State and District of Minnesota, defendant did by force, violence and intimidation, take from the person and presence of a victim teller, money which belonged to and was in the care, custody, control, management, and possession of TCF Bank, located at 331 NE County Road 10, Blaine, Minnesota, a bank whose deposits were then insured by the Federal Deposit Insurance Corporation, and in committing the offense, the defendant did assault and put in jeopardy the life of another person by use of a dangerous weapon, that is, a handgun,

in violation of Title 18 United States Code, Section(s) 2113(a) & (d) .

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and NPPE a part hereof: ☒ Yes ☐ No

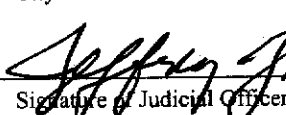


Signature of Complainant
Patrick T. Michaels
FBI

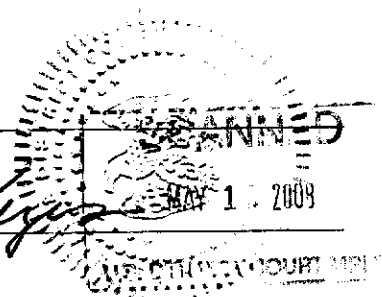
Sworn to before me, and subscribed in my presence,

5/12/08 at
Date
The Honorable ~~Janice S. Mayeron~~ JEFFREY J. KEYES
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Minneapolis, MN
City and State



Signature of Judicial Officer



STATE OF MINNESOTA)
) ss. AFFIDAVIT OF PATRICK T. MICHAELS
COUNTY OF HENNEPIN)

I, Patrick T. Michaels, being first duly sworn under oath, depose and state as follows:

1. I am employed as a Special Agent ("SA") with the Federal Bureau of Investigation. I am a member of the Violent Crimes and Major Offender Squad, with duties that include investigating bank robberies.

2. This affidavit is based on my training, experience, personal knowledge and observations in this investigation; upon my discussions with other law enforcement officers and agents directly involved in this investigation; and upon my review of official reports submitted in relation to this investigation. Further, this affidavit contains information to support probable cause for a federal arrest warrant, but is not intended to convey facts of the entire investigation.

3. On December 21, 2007, at approximately 2:00 p.m., the TCF Bank, located at 331 NE County Road 10, Blaine, Minnesota, was robbed by a lone male, described as being white or Hispanic. The robber entered the bank, walked directly to the lobby's service counter and stood waiting for the next teller. He then approached the victim teller and handed her a note written in poor English that stated, "I need everything money in the bag". The wording led law enforcement to believe it was written by someone with a lack of fluency in the English language. After she read the note, the

victim teller became very afraid and complied with the robber's demand. She opened her drawer and began removing cash. As she did so, she looked at the robber and saw that he was pointing a large black handgun at her which he had lodged between his abdomen and the ledge in front of the teller window. At the same time the robber told her, "I want all of it." She then grabbed the cash from her teller drawer and threw it into a black bag that the robber was carrying with him. The robber then fled the bank in an unknown direction but left the robbery demand note behind on the teller counter.

4. An audit conducted by the bank revealed that the robber got away with \$1,200. Included in the cash provided to the robber was a dye pack and bait bills.

5. The robber was described as a white or Hispanic male, with a tan complexion, approximately 40 years old, around 5'8", approximately 160 pounds, with a medium build. He was wearing a black winter hat, black jacket, black shirt, black pants, and was carrying a black nylon bag and a large black handgun.

6. Approximately 20 minutes before the bank robbery occurred, at 1:40 p.m. on December 21, 2007, an armed car jacking occurred at the Target retail store located at 755 53rd Avenue NE, in Fridley, Minnesota. The car-jacking suspect approached the victim who was buckling her kids into her Isuzu Rodeo sport utility vehicle (SUV), pointed a black handgun at her and demanded her

vehicle, while speaking in Spanish. The victim complied with the car-jacker's demand, removed her children from the vehicle and gave the car to the suspect. He was last seen driving west towards Central Avenue in the victim's 1998 Maroon Isuzu Rodeo with Minnesota license plate VRM-092.

6. The car-jacking suspect was described as a white or light skinned Hispanic male, who spoke Spanish, wearing a black coat, and carrying a black semi-automatic pistol. This description closely matched the description provided by witnesses of the bank robbery suspect mentioned above.

7. Target surveillance video recorded the above car-jacking incident that occurred in their parking lot. In the video a lone male, matching the description of the car-jacking suspect, is observed loitering in the Target parking lot in a red, full-size pick-up truck for approximately 70 minutes. At approximately 1:42 p.m., the suspect, dressed in black, is observed exiting his red full-size pick-up. The suspect is then observed lingering near the victim for a moment. He then approached the victim and is observed leaving in the victim's 1998 maroon Isuzu Rodeo.

8. No one is observed returning to the abandoned, red 1993 Chevrolet full-size pick-up truck (the vehicle from which the car-jacking suspect originated from).

9. Subsequent to the car-jacking, law enforcement conducted a search warrant on the abandoned 1993 red Chevrolet Silverado

pick-up truck (suspect vehicle). Inside law enforcement recovered a Republic of El Salvador passport in the name of Jose Leonidas Avalos, DOB March 6, 1976; a Republic of El Salvador driver's license in the name of Jose Leonidas Avalos; and a certificate of title for a 1993 Chevrolet full size pick-up in the name of Jose Leonidas Avalos. Law enforcement also recovered a spiral notebook/personal calendar. Law enforcement also recovered a torn page that had been removed from the spiral calendar notebook. The loose page contained vacant lines for notes on "Monday 29" and was ripped in half so that only the top portion of the next calendar day "Tuesday 30" was visible.

10. On December 22, 2007, Luis Alberto Piez Diez, a family member of Jose Leonidas Avalos, was interviewed. Piez Diez was shown bank surveillance photos of the December 21, 2007 TCF Bank robber and stated that the robber appeared to be his cousin Jose Leonidas Avalos, but could not say so with 100% certainty. Piez Diez also advised law enforcement that he had accompanied his cousin, Jose Leonidas Avalos, to the Target retail store located at 755 53rd Avenue NE, in Fridley, after the car-jacking and bank robbery and helped him inquire as to the whereabouts of Avalos' red full-size Chevrolet truck. Avalos had told Piez Diez that he had been shopping at the Target retail store earlier that day and feared his car was towed by police. Piez Diez stated that he and Avalos learned that the truck was towed by the Fridley Police

Department. No inquiry was made by Avalos to the Fridley Police regarding his 1993 red Chevrolet truck.

11. On December 2007, law enforcement recovered the maroon 1998 Isuzu Rodeo that was stolen in the Target parking lot on December 21, 2008. Inside law enforcement recovered an exploded dye pack, dye stained currency, a black jacket embroidered on the left breast, a black knit winter hat and a black nylon bag. All items appear to be the same used by the bank robber. Also recovered in the car was a piece of distinctive green and white Mead spiral planner notebook paper that was torn in half along the word "Tuesday 30". The paper appears to be the other half of the torn sheet of green and white spiral calendar paper recovered from suspect Jose Leonidas Avalos' 1993 red full size pick-up truck.

12. I have compared both passport photos and driver's license photos of JOSE LEONIDAS AVALOS to bank surveillance photos of the robber in the December 21, 2007 robbery. The man pictured in the bank surveillance photos appears to be JOSE LEONIDAS AVALOS.

13. At the time of the robbery, the deposits of the TCF Bank were insured by the Federal Deposit Insurance Corporation.

14. Based upon these facts conveyed in this affidavit, I have probable cause to believe that JOSE LEONIDAS AVALOS committed the bank robbery that occurred on December 21, 2007, at the TCF

Bank located at 331 NE County Road 10, Blaine, Minnesota, in violation of Title 18, United States Code, Sections 2113(a) & (d).

Further your Affiant sayeth not.



PATRICK T. MICHAELS
Special Agent, FBI

SUBSCRIBED and SWORN to before

me this 12 day of May, 2008.


JANIE S. MACERON JEFFREY A. KAYES
United States Magistrate Judge